

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES***

Applicant: Könnö et al.
Title: TRANSFERRING DATA BETWEEN DEVICES
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Examiner: Quader, Fazlul
Art Unit: 2164
Confirmation Number: 1296

BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
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Sir:

Under the provisions of 37 C.F.R. § 41.37, this Appeal Brief is being filed together with a credit card payment form in the amount of \$1,030.00 covering the 37 C.F.R. 41.20(b)(2) appeal fee and two-month Extension of Time. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 19-0741.

REAL PARTY IN INTEREST

This Application names Mika Konno, Marja Helle, Arto Vuorinen, Jussi Hamalainen, Petteri Vairio, Kari Kunnas, Valtteri Eroma, Waldemar Sakalus, and Raphael Grignani as

inventors. Between January 22, 2007, and February 16, 2007, the inventors executed an assignment of the Application to Nokia Corporation, having a place of business at Keilalahdentie 4, Espoo, FIN-02150, FINLAND. The assignment was recorded by the United States Patent and Trademark Office at Reel/Frame No. 019622/0328 on July 30, 2007.

RELATED APPEALS AND INTERFERENCES

This Appeal is not related to any other Appeals or Interferences.

STATUS OF CLAIMS

Claims 1-3, 5-20, 22, 24-32, 34-41 and 43-59 are pending in the application and are the subject of this appeal. Claims 4, 21, 23, 33 and 42 were previously canceled.

STATUS OF AMENDMENTS

Appellant believes that the claim amendments filed on June 5, 2009, have been entered. No amendment was filed after the mailing date of the Final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

Various embodiments of the present invention relate to the transfer of files between a sending device and receiving user equipment. Transfer of such files may require accommodation of certain limitations. For example, as noted in the specification, “[t]o be able to transfer the file from the sending device, such as a digital camera, to the receiving user equipment, such as a mobile station, the sending device needs to re-size the files to fit to the limitation.” Specification, page 6, lines 1-3. In accordance with embodiments of the present

invention, information relating to the transfer method and/or the receiving user equipment is used to assess if the data file is to be modified. The assessment may be used to accordingly modify the data file.

In one embodiment, as recited in independent claim 1, the present invention relates to a computer-implemented method for transferring a data file between a sending device and a receiving user equipment (page 2, lines 23-30; Figure 2). The method comprises assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (page 2, lines 23-30; page 6, line 30 – page 7, line 5; Figure 2); in response to finding that the data file is to be modified, creating a clone data file of the original data file and modifying the clone data file, based on said information, into a form suitable for transferring (page 2, lines 23-30; page 3, line 22; page 6, line 30 – page 7, line 5; Figure 2); and transferring the modified clone data file from the sending device to the receiving user equipment (page 2, lines 23-30; page 6, line 30 – page 7, line 5; Figure 2), wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device (page 3, lines 23-31; page 6, line 30 – page 7, line 5), and wherein the assessing and modifying comprise assessing the data file and modifying the clone data file to be compatible with said message (page 2, lines 23-30; page 6, line 30 – page 7, line 5).

In another embodiment, as recited in independent claim 22, a device is configured to communicate with a receiving user equipment for transferring a data file from the device to the receiving user equipment (page 3, lines 1-7); assess, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (page 3,

lines 1-7; page 6, line 30 – page 7, line 5; Figure 2); in response to finding that the data file is to be modified, create a clone data file of the original data file and modify the clone data file, based on said information, into a form suitable for transferring (page 3, lines 1-7; page 6, line 30 – page 7, line 5; Figure 2); and transfer the modified clone data file to the receiving user equipment (page 3, lines 1-7; page 6, line 30 – page 7, line 5; Figure 2), wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device (page 3, lines 23-31; page 6, line 30 – page 7, line 5), and wherein the device is configured to assess the data file and modify the clone data file to be compatible with said message (page 2, lines 23-30; page 6, line 30 – page 7, line 5).

In another embodiment, as recited in independent claim 32, a device comprises transferring means for transferring a data file from the device to a receiving user equipment (page 2, lines 23-30; page 3, lines 1-8); assessing means for assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified before transferring (page 3, lines 1-7; page 6, line 30 – page 7, line 5; Figure 2); creating means for creating a clone data file of the original data file; modifying means for modifying, in response to finding that the data file is to be modified, the clone data file, based on said information, into a form suitable for transferring (page 3, lines 1-7; page 6, line 30 – page 7, line 5; Figure 2), wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send a received modified clone data file to another device (page 3, lines 23-31; page 6, line 30 – page 7, line 5), and wherein the device is configured to assess the data file

and modify the clone data file to be compatible with said message (page 2, lines 23-30; page 6, line 30 – page 7, line 5).

In another embodiment, as recited in independent claim 34, an apparatus is configured to transfer a data file from a sending device and a receiving user equipment (page 2, lines 23-30; page 3, lines 1-8), the apparatus is further configured to assess, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (page 3, lines 1-7; page 6, line 30 – page 7, line 5; Figure 2); in response to finding that the data file is to be modified, create a clone data file of the original data file and modify the clone data file, based on said information, into a form suitable for transferring (page 3, lines 1-7; page 6, line 30 – page 7, line 5; Figure 2), wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send a received modified clone data file to another device (page 3, lines 23-31; page 6, line 30 – page 7, line 5), and wherein the apparatus is configured to assess and modify the data file to be compatible with said message (page 2, lines 23-30; page 6, line 30 – page 7, line 5).

In another embodiment, as recited in independent claim 39, a computer program product is embodied on a computer-readable medium for transferring a data file between a sending device and a receiving user equipment (page 2, lines 23-30; page 3, lines 1-8). The computer program product comprises computer code for assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (page 3, lines 1-7; page 6, line 30 – page 7, line 5; Figure 2); in response to finding that the data file is to be modified, creating a clone data file of the original data file and modifying the clone data file, based on said information, into a form suitable for transferring (page 3, lines

1-7; page 6, line 30 – page 7, line 5; Figure 2); and transferring the modified clone data file from the sending device to the receiving user equipment (page 3, lines 1-7; page 6, line 30 – page 7, line 5; Figure 2), wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device (page 3, lines 23-31; page 6, line 30 – page 7, line 5), and wherein the assessing and modifying comprise assessing the data file and modifying the clone data file to be compatible with said message (page 2, lines 23-30; page 6, line 30 – page 7, line 5).

In another embodiment, as recited in independent claim 59, an apparatus is configured to receive a data file from a sending device and send a message comprising the received data file to another apparatus (page 2, lines 23-30; page 3, lines 1-8). The apparatus is configured to transmit an indication of capacity and/or format of the message to the sending device whereby the sending device assesses and modifies the data file to be compatible with said message (page 3, lines 23-27; page 9, lines 1-33).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The sole ground of rejection to be reviewed on appeal is the rejection of claims 1-3, 5-20, 22, 24-32, 34-41 and 43-58 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0064149 to Elliott *et al.* (hereinafter “Elliott”) in view of U.S. Patent Publication No. 2004/0088348 to Yeager *et al.* (hereinafter “Yeager”) and further in view of U.S. Patent Publication No. 2004/0111575 to Arimilli *et al.* (hereinafter “Arimilli”).

ARGUMENT

Claims 1-3, 5-20, 22, 24-32, 34-41 and 43-58 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0064149 to Elliott *et al.* (hereinafter “Elliott”) in view of U.S. Patent Publication No. 2004/0088348 to Yeager *et al.* (hereinafter “Yeager”) and further in view of U.S. Patent Publication No. 2004/0111575 to Arimilli *et al.* (hereinafter “Arimilli”). Applicant respectfully disagrees with the Examiner’s position and, therefore, traverses these rejections for at least the following reasons.

A. The pending claims recite “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device”

As described in the originally-filed specification at, for example, page 4, lines 6-10; page 5, lines 29-31; page 6, lines 10-14; page 9, lines 19-29; and page 10, lines 22-32, a user equipment may support sending of further messages to other devices using a multimedia message service (MMS) which is limited to certain file sizes or formats. Accordingly, even if a sending device modifies and sends a data file to a receiving user equipment based on a method of transfer and/or the capabilities of the receiving user equipment to decode and display a data file, the data file may be in a format or file size that is not suitable for incorporation into future messages to be sent by the receiving user equipment to other devices. Therefore, the above-noted feature of pending claim 1, as supported by the above-noted sections of the specification, recites “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device.” As such, it is ensured that the data is modified into a suitable format/size from the outset such that it can be readily forwarded by the receiving user

equipment to another device without further modification to the data file in the receiving user equipment. This may be done, for example, even if the sending user equipment can utilize alternative formats and the receiving user equipment can utilize other formats. Therefore, embodiments of the present invention allow a particular selection of format or file size to be made based on a future format or file size that will be utilized by the receiving user equipment.

In rejecting claim 1, the Examiner has relied upon Elliott, paragraphs [0457] and [1702], and Yeager, paragraph [0460], to argue that these references describe “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device,” as recited in pending claim 1. See Office Action, dated September 16, 2009, page 4, lines 9-14. Applicant respectfully disagrees.

B. Elliott fails to teach or suggest “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device”

In rejecting claim 1, the Examiner relies upon Elliott, paragraphs [0457] and [1702], as allegedly describing “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device,” as recited in pending claim 1. See Office Action, dated September 16, 2009, page 4, lines 9-14. Applicant respectfully disagrees.

There are no teachings or suggestions in of Elliott related to the above-noted feature of pending claim 1. In particular, paragraph [0457] of Elliott discusses background information relating to transport and communication networks and, in particular, switching

techniques therein. Accordingly, paragraph [0457] of Elliott describes “message switching.” According to Elliott, with message switching, no physical path is established in advance between the sender and receiver. Instead, whenever the sender has a block of data to be sent, the data is stored at the first switching office and re-transmitted to the next switching point after error inspection. Paragraph [0457] of Elliott further describes that message switching places no limit on block size, thus requiring that switching stations must have discs to buffer long blocks of data.

As to paragraph [1702] of Elliott, this section of Elliott’s disclosure describes that sub-classing and inheritance make it possible to extend and modify objects through deriving new kinds of objects from the standard classes available in the system. Thus, new capabilities may be created without having to start from scratch.

Further, paragraph [1702] of Elliott merely discusses that objects of the object orientated programming in e.g. C++ are modified. Modifying an object in an object orientated programming language is unrelated to the message switching discussed in paragraph [0457] of Elliott or the features of the pending claims.

There are no teachings or suggestions in paragraphs [0457] and [1702] of Elliott to teach or even suggest “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device,” which is recited in pending claim 1.

- C. Elliot further fails to teach or suggest “assessing based on information relating to a transfer method and/or receiving user equipment if a data file is to be modified” wherein the “information comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified cloned data to another device”

Contrary to the Examiner’s assertions, paragraph [0457] of Elliott fails to disclose any indication of capacity and/or format of a message. In fact, paragraph [0457] of Elliott explicitly states that message switching places no limit on block size. Thus, it is clear that there will be no teaching or suggestion in Elliott to even include an indication of capacity because there is no limit on the block size. Therefore, any indication of the capacity would be inherently superfluous.

Further, Elliott discloses no “information relating to a transfer method and/or receiving user equipment,” as recited in the pending claims. That is, Elliott provides no information relating to the method of message switching. Further, Elliott provides no teaching relating to assessing, and then modifying, based on information relating to a transfer method. In accordance with the disclosure of Elliott, there is no assessment and modification of the data based on the method of transfer (e.g., message switching).

- D. Yeager fails to teach or suggest “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device”

In rejecting claim 1, the Examiner cites Yeager, paragraph [0460] as allegedly describing “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device,” as recited in pending claim 1. See Office Action, dated September 16, 2009, page 4, lines 9-14. Applicant respectfully disagrees.

Paragraph [0460] of Yeager discloses various data transfer methods that may be implemented by pipes to provide a different quality of service. According to Yeager, transfer methods include synchronous request-response, streaming, bulk transfer, and secure. However, Yeager fails to teach or suggest “an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device,” which is recited in pending claim 1.

Further, Yeager discloses managing distribution of content using mobile agents in peer-to-peer networks. In particular, paragraph [0460] of Yeager discloses that pipes, which are primary channels for communication along peers and are a mechanism for establishing communication between peers (see Yeager, paragraph [0451]), with additional properties such as reliability, security and quality of service may be supported. Further, paragraph [0460] of Yeager discloses that the pipes support TCP/IP support.

Thus, the pipes in Yeager must support packet switching due to the use of TCP/IP. In this regard, a person with ordinary skill in the art would understand that Yeager is concerned with packet switching and, therefore, cannot be combined with the message switching of Elliott since the teaching of Elliott is incompatible with the teaching of Yeager.

Further, Yeager fails to teach or suggest any indication to modify data based on information relating to a transfer method. Instead, paragraph [0455] of Yeager explicitly discloses that the pipes may be indiscriminate and may support various different transfer methods. In this regard, Yeager discloses that the transfer methods are indiscriminate to data. Therefore a person with ordinary skill in the art would not be motivated to modify the teaching of Yeager to include information relating to a transfer method and then assessing whether data is to be modified based on that information.

Therefore, Yeager fails to cure the above-noted deficiencies of Elliot.

E. Arimilli fails to cure the deficiencies of Elliott and Yeager

Arimilli fails to cure the above-noted deficiencies of Elliott and/or Yeager. Thus, since the cited references, either alone or in combination, fail to teach or suggest at least the above-noted features of the claim 1, the Office Action fails to establish a *prima facie* case of obviousness. Accordingly claim 1 is patentable.

F. Conclusion

Accordingly, claim 1 is patentable for these additional reasons.

Claims 22, 32, 34, 39 and 59 recite features that are similar to the ones discussed above in connection with claim 1. Accordingly, claims 22, 32, 34, 39 and 59 are patentable for similar reasons as claim 1.

As to claims 2-3, 5-20, 23-31, 35-38, 40-41 and 43-58, these claims each depend, either directly or indirectly, from one of allowable claims 1, 22, 34 or 39, and are, therefore, patentable for at least that reason, as well as for additional patentable features when these claims are considered as a whole.

CLAIMS APPENDIX

1. (Previously Presented) A computer-implemented method for transferring a data file between a sending device and a receiving user equipment, the method comprising:
 - assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified;
 - in response to finding that the data file is to be modified, creating a clone data file of the original data file and modifying the clone data file, based on said information, into a form suitable for transferring; and
 - transferring the modified clone data file from the sending device to the receiving user equipment,
 - wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device, and
 - wherein the assessing and modifying comprise assessing the data file and modifying the clone data file to be compatible with said message.
2. (Previously Presented) The method according to claim 1, further comprising selecting the data file to be transferred from a plurality of data files.
3. (Previously Presented) The method according to claim 1, wherein the step of assessing comprises carrying out said assessing by the sending device.
4. (Canceled).
5. (Previously Presented) The method according to claim 1, wherein the step of modifying comprises modifying the data file based on capacity limitations of the transfer method.
6. (Previously Presented) The method according to claim 5, wherein the step of modifying comprises modifying the data file based on a maximum file size supported by the transfer method.

7. (Previously Presented) The method according to claim 1, wherein the step of modifying comprises modifying the data file based on capacity limitations of the receiving user equipment.
8. (Previously Presented) The method according to claim 7, wherein the step of modifying comprises modifying the data file based on a maximum file size supported by the receiving user equipment.
9. (Previously Presented) The method according to claim 1, wherein the step of modifying comprises compressing the data file.
10. (Previously Presented) The method according to claim 1, wherein the step of transferring the data file comprises transferring an image file.
11. (Previously Presented) The method according to claim 10 wherein the step of modifying comprises resizing the image file.
12. (Previously Presented) The method according to claim 11 wherein the step of modifying further comprises re-scaling the re-sized image file.
13. (Previously Presented) The method according to claim 1, wherein the step of modifying comprises changing the format of the data file.
14. (Previously Presented) The method according to claim 1, further comprising obtaining in the sending device an indication relating to the transfer method.
15. (Previously Presented) The method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises determining by the sending device an active transfer method capable of transferring the data file to the receiving user equipment.
16. (Previously Presented) The method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises receiving in the sending device the indication sent by the receiving user equipment.

17. (Previously Presented) The method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises displaying to a user of the sending device a list of transfer methods and allowing the user to select an indication belonging to the list.

18. (Previously Presented) The method according to claim 1, further comprising obtaining in the sending device an indication relating to the receiving user equipment.

19. (Previously Presented) The method according to claim 18, wherein the step of obtaining the indication relating to the receiving user equipment comprises receiving in the sending device the indication sent by the receiving user equipment.

20. (Previously Presented) The method according to claim 18, wherein the step of obtaining the indication relating to the receiving user equipment comprises displaying to a user of the sending device a list of receiving user equipment and allowing the user to select an indication belonging to the list.

21. (Canceled).

22. (Previously Presented) A device configured to:

- communicate with a receiving user equipment for transferring a data file from the device to the receiving user equipment;

- assess, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified;

- in response to finding that the data file is to be modified, create a clone data file of the original data file and modify the clone data file, based on said information, into a form suitable for transferring; and

- transfer the modified clone data file to the receiving user equipment,

- wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device, and

- wherein the device is configured to assess the data file and modify the clone data file to be compatible with said message.

23. (Canceled).

24. (Previously Presented) The device according to claim 22, wherein the device is configured to carry out the modification by compressing the data file.

25. (Previously Presented) The device according to any of claim 22, wherein the data file is an image file.

26. (Previously Presented) The device according to claim 25, wherein the device is configured to carry out the modification by re-sizing the image file.

27. (Previously Presented) The device according to claim 26, wherein the device is configured to carry out the modification by re-scaling the re-sized image file.

28. (Previously Presented) The device according to any of claim 22, wherein the device is configured to carry out the modification by changing the format of the data file.

29. (Previously Presented) The device according to any of claim 22, further configured to determine an active transfer method capable of transferring the information to the receiving user equipment.

30. (Previously Presented) The device according to any of claim 22, further configured to receive an indication of the transfer method and/or the receiving user equipment from the receiving user equipment.

31. (Previously Presented) The device according to any of claim 22, further configured to display to a user of the device a list of transfer methods and/or the receiving user equipment and to allow the user to select an indication belonging to the list.

32. (Previously Presented) A device comprising:

transferring means for transferring a data file from the device to a receiving user equipment;

assessing means for assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified before transferring;

creating means for creating a clone data file of the original data file;

modifying means for modifying, in response to finding that the data file is to be modified, the clone data file, based on said information, into a form suitable for transferring,

wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send a received modified clone data file to another device, and

wherein the device is configured to assess the data file and modify the clone data file to be compatible with said message.

33. (Canceled).

34. (Previously Presented) An apparatus configured to transfer a data file from a sending device and a receiving user equipment, the arrangement being further configured to:

assess, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified;

in response to finding that the data file is to be modified, create a clone data file of the original data file and modify the clone data file, based on said information, into a form suitable for transferring,

wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send a received modified clone data file to another device, and

wherein the apparatus is configured to assess and modify the data file to be compatible with said message.

35. (Previously Presented) The apparatus according to claim 34, wherein the receiving user equipment comprises one of a mobile user equipment, a mobile station and a personal digital assistant.

36. (Previously Presented) The apparatus according to claim 34, wherein the sending device comprises a digital camera.

37. (Previously Presented) The apparatus according to any of claim 34, wherein the transfer method is selected from a group comprising: universal serial bus port connection. Pop-Port connection, other galvanic connection, Bluetooth connection, infrared connection, wireless

local area network connection, other wireless connection, direct connector connection or optical connection.

38. (Previously Presented) The apparatus according to any of claim 34, wherein the sending device and the receiving user equipment are stand-alone devices.

39. (Previously Presented) A computer program product embodied on a computer-readable medium for transferring a data file between a sending device and a receiving user equipment, the computer program product comprising:

Computer code for:

assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified;

in response to finding that the data file is to be modified, creating a clone data file of the original data file and modifying the clone data file, based on said information, into a form suitable for transferring; and

transferring the modified clone data file from the sending device to the receiving user equipment,

wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device, and

wherein the assessing and modifying comprise assessing the data file and modifying the clone data file to be compatible with said message.

40. (Previously Presented) The computer program product according to claim 39, further comprising computer code for selecting the data file to be transferred from a plurality of data files.

41. (Previously Presented) The computer program product according to claim 39, wherein the computer code for assessing further comprises computer code for carrying out said assessing by the sending device.

42. (Canceled).

43. (Previously Presented) The computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for modifying the data file based on capacity limitations of the transfer method.

44. (Previously Presented) The computer program product according to claim 43, wherein the computer code for modifying further comprises computer code for modifying the data file based on a maximum file size supported by the transfer method.

45. (Previously Presented) The computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for modifying the data file based on capacity limitations of the receiving user equipment.

46. (Previously Presented) The computer program product according to claim 45, wherein the computer code for modifying further comprises computer code for modifying the data file based on a maximum file size supported by the receiving user equipment.

47. (Previously Presented) The computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for compressing the data file.

48. (Previously Presented) The computer program product according to claim 39, wherein the computer code for transferring the data file further comprises computer code for transferring an image file.

49. (Previously Presented) The computer program product according to claim 48, wherein the computer code for modifying further comprises computer code for resizing the image file.

50. (Previously Presented) The computer program product according to claim 49, wherein the computer code for modifying further comprises computer code for re-scaling the re-sized image file.

51. (Previously Presented) The computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for changing the format of the data file.

52. (Previously Presented) The computer program product according to claim 39, further comprising computer code for obtaining in the sending device an indication relating to the transfer.

53. (Previously Presented) The computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for determining by the sending device an active transfer method capable of transferring the data file to the receiving user equipment.

54. (Previously Presented) The computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for receiving in the sending device the indication sent by the receiving user equipment.

55. (Previously Presented) The computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for displaying to a user of the sending device a list of transfer methods and allowing the user to select an indication belonging to the list.

56. (Previously Presented) The computer program product according to claim 39, further comprising computer code for obtaining in the sending device an indication relating to the receiving user equipment.

57. (Previously Presented) The computer program product according to claim 56, wherein the computer code for obtaining the indication relating to the receiving user equipment further comprises computer code for receiving in the sending device the indication sent by the receiving user equipment.

58. (Previously Presented) The computer program product according to claim 56, wherein the computer code for obtaining the indication relating to the receiving user equipment further comprises computer code for displaying to a user of the sending device a list of receiving user equipment and allowing the user to select an indication belonging to the list.

59. (Previously Presented) An apparatus configured to receive a data file from a sending device and send a message comprising the received data file to another apparatus, wherein the

apparatus is configured to transmit an indication of capacity and/or format of the message to the sending device whereby the sending device assesses and modifies the data file to be compatible with said message.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.

Respectfully submitted,

Date June 21, 2010

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